

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C.No.2445/2008**

% **Date of decision : 31.07.2008**

Amit Chaudhary and Others Petitioners
Through: R.S. Mahla, Advocate along with
petitioner No.1 in person.

Versus

State & Another Respondents
Through : Mr.R.N. Vats, APP for State along
with SI Satish Bhali.
Mr.Ambar Qamruddin, Advocate
for respondent No.2 along with
respondent No.2 in person.

CORAM :-

* **HON'BLE MR. JUSTICE ANIL KUMAR**

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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Petitioner No.1, husband, and respondent No.2, wife, are present with their counsel. Learned counsel for the parties state that the matter between the parties has been resolved amicably and the marriage between the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce dated 14th July, 2008 on the ground of mutual consent under Section 13 B(2) of Hindu Marriage Act, 1955.

Under the settlement, respondent No.2 is entitled for Rs.7.50 lakh out of which Rs.5.00 lakh was paid earlier and Rs.2.50 lakh has been paid to her today in the court by the demand draft bearing No.810904 dated 09.07.2008 drawn on ICICI Bank Limited, Connaught Place, New Delhi, for Rs.2.50 lakh.

Learned counsel for the parties state that in view of the settlement no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.62/2008 under Sections 406/498A of IPC registered at Police Station Chitranjan Park, New Delhi, against petitioners.

Let the statement of respondent No.2 be recorded, who is identified by her counsel.

Statement of respondent No.2 has been recorded. The disputes between the petitioner No.1 and respondent No.2, who were husband and wife, has been resolved. The marriage between the petitioner No.1 and respondent No.2 has already been dissolved by a decree of divorce dated 14th July, 2008 on the ground of mutual consent under Section 13 B(2) of Hindu Marriage Act, 1955. It is apparent that no useful purpose shall be served in continuing with the proceedings pursuant to FIR No.62/2008 under Sections 406/498A of IPC registered at Police Station Chitranjan Park, New Delhi against petitioners.

Considering the facts and circumstances, it shall also be in the interest of justice to quash the said FIR and all the proceeding emanating therefrom. Learned Additional Public Prosecutor, Mr.Vats, also has no objection to the quashing of the FIR.

Therefore, in the totality of facts and circumstances, FIR No.62/2008 under Sections 406/498A of IPC registered at Police Station Chitranjan Park, New Delhi, and all the proceedings emanating therefrom against petitioners are quashed.

The petition is disposed of.

Dasti.

July 31, 2008
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ANIL KUMAR, J.